

## **Committee Report**

**Item No:** 8C

**Reference:** DC/22/03006

**Case Officer:** Alex Breadman

**Ward:** Blakenham.

**Ward Member/s:** Cllr John Field.

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## **RECOMMENDATION – GRANT FULL PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Change of Use of two arable fields to provide secure dog walking and exercise. Erection of fencing, shelter, creation of parking area, signage and re-position security gate.

### **Location**

Land to the South of Main Road, Somersham, Suffolk

**Expiry Date:** 14/09/2022

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

**Applicant:** AD and KM Caston

**Parish:** Somersham

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The applicant is AD and KM Caston, a company of which Cllr James Caston is a director.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

FC01 - Presumption In Favour Of Sustainable Development

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CS05 - Mid Suffolk's Environment

GP01 - Design and layout of development

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CLASSIFICATION: Official

HB01 - Protection of historic buildings  
H16 - Protecting existing residential amenity  
CL02 - Development within special landscape areas  
RT01 - Sports and recreation facilities for local communities  
RT06 - Sports and recreation facilities in the countryside  
T10 - Highway Considerations in Development  
CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Parish Council (Appendix 3)**

###### **Somersham Parish Council – Comments Received: 7<sup>th</sup> July 2022**

The Parish Council has no objections to the application.

###### **Little Blakenham Parish Clerk – Comments Received: 22<sup>nd</sup> June 2022**

The Parish Council has no objections to the application.

##### **National Consultee (Appendix 4)**

###### **Natural England – Comments Received: 22<sup>nd</sup> June 2022**

No objection.

Based on the plans submitted, Natural England considered the proposed development will not have a significant adverse impact on statutory protected nature conservation sites.

##### **County Council Responses (Appendix 5)**

###### **SCC Archaeological Services – Comments Received: 8<sup>th</sup> July 2022**

In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

###### **SCC Highways – Comments Received: 28<sup>th</sup> June 2022**

Notice is hereby given that the County Council as Highway Authority make the following comments:

No objection subject to conditions:

- Restriction on enclosure to the highway
- Provision of vehicle parking
- Scheme for cycle and EV parking

## **SCC Flood and Water Management – Comments Received: 27<sup>th</sup> June 2022**

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/22/03006

We have reviewed the following submitted document[s] and we have no objections to this application.

1. Design and Access Statement dated June 2022
2. Access and Parking ref: LBW -DWF- 03
3. Site Plan

### **Internal Consultee Responses (Appendix 6)**

#### **Waste Services – Comments Received: 7<sup>th</sup> July 2022**

Thank you for consulting with Waste Services. We have no objection or comments to make on this planning application.

#### **Environmental Health – Comments Received: 24<sup>th</sup> June 2022**

Having reviewed the supporting documentation, I have no objections in principle.

However, as alluded to in the planning statement the number of dogs on site at any one time will be managed to prevent noise nuisance.

It is important to note that Dog barking is amongst the most common complaints we receive and mainly an issue of impact on daytime amenity (external garden space). Any use of the site should consider these aspects and not simply the internal noise level for noise sensitive receptors (NSRs).

I would suggest that a management plan is submitted or the plan within the planning statement is expanded detailing the total number of dogs to be allowed on site and whether these are to be from one household or several at the same time (for example where there are dogs from the same litter albeit from different households that still play together) The reason for this is that they do tend to follow pack mentality and when one barks the rest join in and increase the volume accordingly. I would think that no more than 5 would be an appropriate number providing the dogs are attended at all times and not left to roam.

The drop off and pick up procedure looks to be suitable with no overlap of people and dogs potentially giving rise to adverse noise.

I am satisfied that the composting dog bin provision is adequate providing that any excessive amount flies are controlled.

#### **Public Realm – Comments Received: 23<sup>rd</sup> June 2022**

Public Realm officers have no comments to make.

### **B: Representations**

At the time of writing this report at least one online comment has been received. It is the officer opinion that this represents one support comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Comment denotes that the proposal is 'excellent'.
- The proposal would be of benefit to dog walkers.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

No relevant planning history.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site comprises two existing arable fields that total 7.5 hectares in size; the site lies south of Main Road, to the east edge of Somersham and neighbours the village hall, of which lies approx. 15m west of the site boundary and shares its access.
- 1.2. The site currently is utilised for agricultural purposes in relation to Church Farm. The farm ownership includes a great portion of surrounding land to the south.
- 1.3. The site is otherwise directly neighboured by commercial buildings to the east; there is some separation between the site and residential properties. Nonetheless, the site is easily accessible on foot from Somersham given the existing footpaths leading to the site.
- 1.4. The application site lies partially in a Special Landscape Area. It should be noted that a small portion of the northern boundary lies within Flood Zone 2, however, this is insignificant given the nature of the proposal and it is considered that the proposal would not heighten the risk of flooding on the site.
- 1.5. The application site lies outside the defined settlement boundary of Somersham, such that it lies within the countryside.

### **2. The Proposal**

- 2.1. The proposal seeks the change of use of two arable fields to provide secure dog walking and exercise, including the erection of fencing, shelter, creation of parking area, signage and re-positioning the security gate.
- 2.2. The proposal would utilise the land for business purposes, allowing individuals to book hourly slots and use the site as a safe, enclosed area to walk their dogs and exercise. Booking will be carried out online and individuals attending site will be expected to adhere to rules and timing, as staff would not be on site throughout the day. Access control systems are currently under consideration.
- 2.3. The site would, however, be inspected once per day for fence damage, dog mess, litter removal and any other potential hazards.
- 2.4. The two fields/walking areas would largely consist of open green, undeveloped spaces. Some benches and seating would be placed, along with bins and water points; however, no permanent buildings are to be erected, excluding a small wooden shelter near the parking area to provide cover in wet weather.

- 2.5. Additional features such as small mounds, tunnels, trails, etc. would also be placed on site to provide play and exercise opportunities.
- 2.6. A parking area and driveway is proposed; this would be located along and accessed from the western boundary. The parking area will provide parking spaces for 5No vehicles with manoeuvring/turning space. The parking area will be formed with a reinforced permeable grass surface, whilst the driveway/access would comprise of compacted crushed stone. The area would be fenced off with a vehicular access gate to the south and pedestrian gate to the north.
- 2.7. Boundary treatment to the site would comprise of perimeter fencing (both 1.8m wire mesh and 1.5m/1.8m post and stock wire fencing), along with new hedging and reinforcing existing perimeter hedging with new planting to fill existing gaps.
- 2.8. New tree planting is also proposed to the western boundary and surrounding the parking area.
- 2.9. 2No signs are also proposed, one being located adjacent to the highway, whilst the other would be at the vehicular entrance. Both would measure at 1m x 1m (maximum) and would be informative business signs.
- 2.10. Details within the Supporting Statement state that the number of bookings per hour will be restricted, however the maximum number is to be confirmed.

### **3. The Principle of Development**

- 3.1. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019, which requires proposals which accord with an up-to-date development to be approved without delay. However, various factors affect whether a development plan can be considered 'out-of-date'.
- 3.2. The age of policies itself does not cause them to cease to be part of the development plan or become "out of date" as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old. Policies should be given weight according to their consistency with the NPPF.
- 3.3. Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.
- 3.4. Policies GP1, HB1, H16, CL2, RT1, RT6 and T10 of the Mid-Suffolk Local Plan 1998; policies FC1 and FC1.1 of the Core Strategy Focused Review 2012, and CS1, CS2 and CS5 of the Mid-Suffolk Core Strategy 2008 are the most relevant policies for assessing this application. Full weight is given to these policies as they are consistent with the aims of the National Planning Policy Framework 2021 in terms of achieving sustainable development.
- 3.5. There are no specific policies that directly relate to the proposed development in terms of the change of use of agricultural land to recreational use, such that no policies directly allow or prevent the proposal. Policy CL2 of the Mid-Suffolk Core Strategy 2008, however, does relate to

development in the countryside and states: 'In the countryside development will be restricted to defined categories in accordance with other Core Strategy policies', one of these categories is recreation and tourism. Additionally, Policies RT1 and RT6 relate to sport and recreational facilities for local communities and in the countryside, respectively.

- 3.6 Given the nature of the proposed development, it is considered that a secure dog walking and exercise area would constitute a recreational facility; therefore, the proposal is acceptable in principle, subject to compliance with the detailed requirement of the relevant policies outlined above.

#### **4. Site Access, Parking And Highway Safety Considerations**

- 4.1. Mid Suffolk Local Plan Policy T10 denotes general highway considerations in new development, outlining what the Local Planning Authority gives regard to, including the provision of safe access to and egress from the site; the suitability of existing roads giving access to the development; whether the amount and type of traffic generated will be acceptable in relation to the capacity of the road network in the locality of the site; the provision for adequate space for the parking and turning of cars, and whether the needs of pedestrians and cyclists have been met.
- 4.2. The application site would utilise an existing access point and road that serves the village hall and farmland to the rear of the site. The existing access benefits from sufficient visibility splays.
- 4.3. As noted above, a new parking area with provision for 5No vehicles would be provided; this would include suitable turning and manoeuvring areas.
- 4.4. Whilst it is noted that the proposal has potential to provide an increase in traffic to and from the site and surrounding area, given the number of available parking spaces being just 5No at a maximum and it also being unlikely that the site would be at capacity throughout all hours, it is anticipated that this increase would not be detrimental to the highway network.
- 4.5. Suffolk County Council as the Highways Authority were consulted on the proposal and raised no objection, with conditions relating to the addition of cycle storage spaces, inclusion of on-site parking prior to first use of the site and the avoidance of obstruction to visibility splays being recommended.
- 4.6. It is therefore considered the proposed development would have no significant impact on highway safety at this location and that the site can supply sufficient off-road parking. The proposal is compliant with Local Plan Policy T10.

#### **5. Design And Layout [Impact On Street Scene]**

- 5.1. Section 12 of the NPPF requires inter alia that local planning authorities seek to promote and reinforce local distinctiveness as well as design. Paragraph 127 of the NPPF states that decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, and function well and add to the overall quality of the area.
- 5.2. Mid-Suffolk Local Plan Policy GP01 states that proposals should maintain or enhance the character and appearance of their surroundings, and respect the scale and density of surrounding development. Furthermore, materials and finishes should be traditional, or compatible with traditional materials and finishes and should respect local architectural styles where appropriate.

- 5.3. Mid-Suffolk Local Plan Policy CL2 relates to development within special landscape area and denotes that within special landscape areas, particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed with high standards of layout, materials and landscaping.
- 5.4. The proposal does not include the erection of any large, permanent structures, essentially resurfacing the existing land by drilling grass seed and upon completion, appearing as an open meadow, of which is to be managed organically. Proposed seating, bins, water points, equipment and the shelter are all considered modest and necessary.
- 5.5. The proposal is considered to be appropriate in this regard, maintaining the character of the countryside whilst providing a safe, enclosed recreational space. Existing natural boundary treatment will be retained and enhanced, with additional tree planting also enhancing the appearance of the site.
- 5.6. The proposal is in accordance with the requirements of the NPPF. The proposal would not have a significant adverse impact on the appearance or character of surrounding countryside or special landscape area. As such, the proposal is in accordance with the aforementioned Local Plan Policies.

## **6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 6.1. As discussed above, the proposal would retain many existing natural features on site. It is denoted that the grass mix will comprise of slow growing parkland style, of which would require less frequent mowing.
- 6.2. New native hedging is to be planted along the north and west boundaries to enclose the site. New tree plantings are also proposed.
- 6.3. Ultimately the change of use of the site would lead to a change from arable/agricultural land to open grassland with additional planting. As such, no concerns are raised regarding the proposed landscaping, and it is considered likely that the proposed would be beneficial in terms of ecology.

## **7. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

- 7.1. Policy HB1 of the Mid-Suffolk Local Plan states that the district planning authority will place a high priority of protecting the character and appearance of all buildings of architectural or historic interest. Particular care will be given to protecting the setting of listed buildings.
- 7.2. The application site is located approximately 57m to the east of Grade I Listed, St. Marys Church.
- 7.3. Given the nature of the development, it is concluded that the proposal would not adversely impact the setting of the listed building, as such the proposal would not be harmful in this regard.

## **8. Impact On Residential Amenity**

- 8.1. Mid-Suffolk Local Plan Policy H16 aims to protect the existing amenity and character of residential areas. This policy states that development that materially reduces the amenity and privacy of adjacent dwelling or erodes the character of the surrounding area will be refused.

- 8.2. The application site lies to the east of Somersham, outside of the settlement boundary with considerable separation distance between the site and nearby residential areas, with the closest dwelling to the site being The Rectory of which lies approx. 45m away to the west. Additionally, the village hall lies between the site and this dwelling.
- 8.3. Given this separation distance, combined with the small scale of built development proposed, it is considered that the proposal would not give rise to any potential overlooking or loss of privacy to the residents at any neighbouring dwellings. Similarly, the proposal would not have a significant adverse impact on the outlook or visual amenity of nearby neighbouring properties.
- 8.4. The Councils Environmental Health Team have provided comments with regard to the noise impact of the proposal. These comments do not object to the proposal in principle, however, denote that the number of dogs on site at any one time should be managed in order to prevent noise nuisance. As such, a condition requiring the submission of a management plan in this regard is recommended.

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## **PART FOUR – CONCLUSION**

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### **9. Planning Balance and Conclusion**

- 9.1. The application proposal would retain the countryside character of the site and surrounding area. The proposal would not include any significant permanent structures or buildings, as such it would not constitute overdevelopment of the site. The proposal would not have a detrimental impact on the privacy and amenity of nearby neighbouring dwellings, subject to conditions. The proposal would not result in any demonstratable harm to any matter of planning substance.
- 9.2. The proposal accords with the NPPF and policies within the Development Plan and is therefore considered to be acceptable. This application is recommended for approval, given its compliance with the relevant Local Plan Policies and NPPF.

### **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT FULL PLANNING PERMISSION:

**(1) That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme).
- Approved plans (Plans submitted that form this application).
- Scheme to be submitted and agreed detailing the total number of dogs on site at any one time and how this is to be managed.
- Restriction on enclosure to the highway.
- Provision of vehicle parking prior to first use of.
- Scheme for cycle and EV parking.
- Illumination restriction.



**(2) And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive working statement